



**CITY OF SUNNYVALE
REPORT
Planning Commission**

May 10, 2004

SUBJECT: **2004-0258 - Michael Abdollahi [Applicant]:** Application for a 35,153 square foot site located at **612 & 616 East Ahwanee Avenue** in an R-2/PD (Low Medium Density Residential/Planned Development) Zoning District (APN: 205-02-007)

Resolution **General Plan Amendment** from Low Medium Density Zoning District to Medium Density Residential Zoning District

Introduction of an Ordinance **Rezone** from R-2/PD (Low Medium Density Residential/Planned Development) Zoning District to R-3/PD (Medium Density Residential) Zoning District

Motion **Special Development Permit** to allow the development of 17 town homes

Motion **Tentative Map** to subdivide two lots into 17 lots and one common lot

REPORT IN BRIEF

Existing Site Two single family homes

Conditions

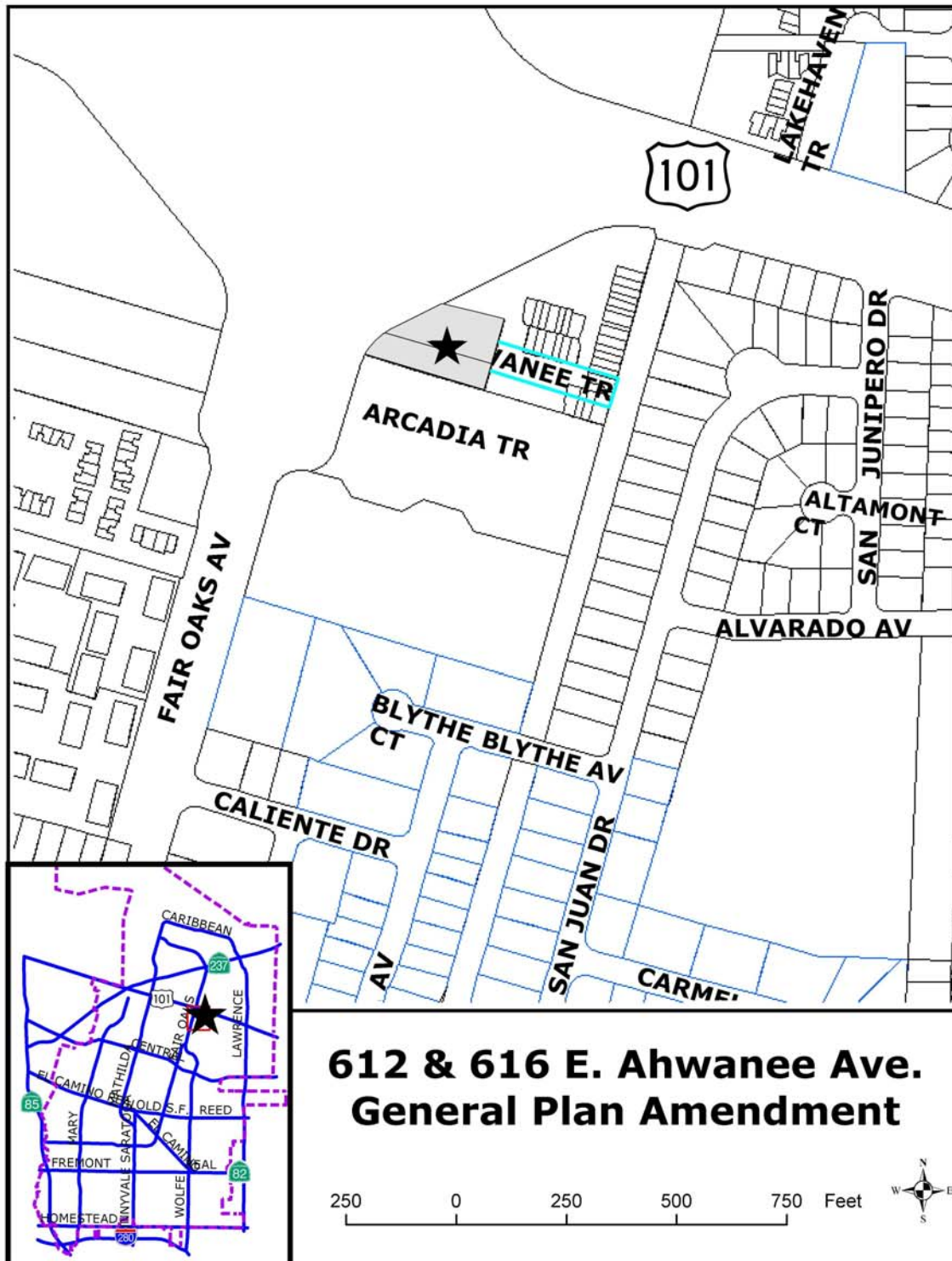
Surrounding Land Uses

| | |
|-------|--|
| North | Multi-family Townhouses |
| South | Multi-family Condominiums |
| East | Multi-family Townhouses |
| West | Mobile Home Park across North Fair Oaks Avenue |

Issues Centralized Trash Enclosure, Setbacks

Environmental Status A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

| | <u>EXISTING</u> | <u>PROPOSED</u> | <u>REQUIRED/ PERMITTED</u> |
|---------------------------------------|--------------------------------------|----------------------------------|---------------------------------------|
| General Plan | Residential Low Medium Density | Residential Medium Density | With Council Approval of GPA |
| Zoning District | R-2/PD | R-3/PD | With Council Approval of Rezone |
| Lot Size (s.f.) | 36,154 | 688 - 1,106 | 8,000 min. |
| Gross Floor Area (s.f.) | 3,200 total for 2 homes | 27,540 | No max. |
| Lot Coverage (%) | 10% | 27% | 40% max. |
| Floor Area Ratio (FAR) | 10% | 78% | No max. |
| No. of Units | 2 | 17 | 20 max. |
| Density (units/acre) | 2.4 | 20.5 | 24 max. |
| Meets 75% min? | No | Yes | 15 min. |
| Bedrooms/Unit | 3 | 2 | --- |
| Unit Sizes (s.f.) | 3,200 total for 2 homes | 1,620 | N/A |
| Lockable Storage/Unit | N/A | 300 | 300 cu. ft. min. |
| No. of Buildings On-Site | 2 | 4 | --- |
| Distance Between Buildings | 10 | 36' – 38' | 20' min. |
| Building Height (ft.) | 16' | 34' 8" | 30' max. |
| No. of Stories | 2 | 2.5 | 2 max. |
| Setbacks (facing prop.) | | | |
| • Front | 30' – 40' | 38' | 20' min. |
| • Left Side | 3' – 5' | 22' – 36' | 6' min. (15 ft. combined) |
| • Right Side | 3' – 5' | 22' – 36' | 9' min. (15 ft. combined) |
| • Rear | 50 – 60' | 15' – 20' | 20' min. |

| Landscaping (sq. ft.) | | | |
|---|-------|--------|----------------------|
| • Total Landscaping | 7,000 | 17,612 | 7,225 min. |
| • Landscaping/Unit | 3,500 | 1,036 | 425 min. |
| • Usable Open Space/Unit | N/A | 436 | 400 min. |
| • Frontage Width (ft.) | N/A | 15 | 15 ft. min. |
| • % Based on Parking Lot | N/A | 20% | 20% |
| • Parking Lot Area Shading (%) | N/A | 50% | 50% min. in 15 years |
| • Water Conserving Plants (%) | N/A | 70% | 70% min. |
| Parking | | | |
| • Total No. of Spaces | 8 | 41 | 41 min. |
| • No. of Standards | 8 | 16 | 16 min. |
| • No. of Compacts / % of total uncovered | N/A | 8/35% | 8/35% max. |
| • No. of Accessible | 0 | 0 | 1 min. |
| • No. of Covered Spaces | 4 | 17 | 17 min. |
| • Driveway Aisle Width (ft.) | N/A | 20 | 20 min. |
| • Bicycle Parking | N/A | 4 | 4 Min. |

• Shaded section denotes deviation

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

| File Number | Brief Description | Hearing/Decision | Date |
|--------------------|---|----------------------------------|-------------|
| 2003-0933 | General Plan Initiation | City Council/ Approved | 1/6/04 |
| 1978-0282 | Application for approval to allow existing garage, carport and water tank to remain on the existing property lines. | Planning Commission/ Approved | 2/26/79 |

Description of Proposed Project

The proposed project is for the development of 17 attached townhouse units on a site that currently contains two single family homes. The project proposal includes a General Plan Amendment, Rezone, and Special Development Permit to demolish the existing single family homes and allow 17 multi-family units. A General Plan Amendment Initiation was approved for the site by City Council in January of this year.

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that with mitigation the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

The recommended mitigation measures relate to the noise impacts that are generated due to the close proximity to U.S. Highway 101. The mitigation measures include the construction of sound attenuating fences/walls near specific proposed units and special window installation. These mitigation measures are included in the Mitigated Negative Declaration and Condition of Approval #13.

General Plan Amendment

Change Under Consideration: Change from Residential Low-Medium Density (7-15 du/acre) to Residential Medium Density (15-27 du/acre).

Objective: To allow the redevelopment of a site with increased housing opportunities.

Present Site Conditions: Currently, two single-family homes are located on the two sites.

Nearby Uses: The project site is located within close proximity to other properties along North Fair Oaks Avenue with the R-3 Zoning designation. The residential development located north of the project site is developed at Low-Medium Density while the condominium units south of the site are built utilizing a High Density. The proposed project could serve as a buffer between the higher and lower densities of housing.

San Juan Action Area: The project site is located in the residential area known as the San Juan neighborhood. This area is considered one of three Multi-Family Neighborhood Action Areas described in the Community Development Strategy presented to the City Council. A total of 61 percent of the housing stock in this neighborhood was considered to be in need of substantial housing rehabilitation. A strategy for this area is focused on multi-family rehabilitation and reconstruction.

General Plan Consideration: Staff notes the following considerations of the project site:

- The project is located in close proximity to existing public transportation.
- The project would add character and visual interest to one of the gateways into the City.
- The site is situated between properties of lower density to the north and higher density to the south. The proposed shift to medium density could provide a transition between the two separate concentrations of housing.

Staff finds that this General Plan Amendment is consistent with the Goals and Policies located in Attachment 1 and is compatible with the surrounding properties. The proposed amendment would allow reinvestment and redevelopment of an area located within one of City's designated "Action Areas" (San Juan). Therefore, staff supports the amendment to Medium Density Residential.

Rezoning

Change Under Consideration: Rezone from R-2/PD (Low-Medium Density Residential/Planned Development) to R-3/PD (Medium Density/Planned Development).

Objective: To bring the zoning in conformance with the proposed General Plan land use designation, allowing for medium-density residential uses.

Discussion: Condominium, townhouses and apartments are typically found in the R-3 Zoning District, the only Zoning District compatible with the Medium Density General Plan designation. The R-3 Zoning would allow the site to be developed at a higher density than is currently permitted or existing. The Planned Development Combining District can be retained in order to allow for flexibility in formulating a project that promotes transition and in allowing townhouse-style ownership housing. The PD Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The surrounding properties are predominately developed with either apartments or varying types of multi-unit development.

Special Development Permit

Use: The proposed project involves the demolition of the existing two single family homes and the development of 17 townhouse units. The project includes two units at below market rate.

Site Layout: The site is located on East Ahwanee Avenue near the intersection of Fair Oaks Avenue and U.S. Highway 101. The two single-family lots are situated between two larger developments of multi-family housing. The project includes the subdivision of the two lots into 17 ownership lots and one common lot. The layout of the proposed project includes four 2-½ story buildings. The building will reach a maximum height of 34 feet and 8 inches, which exceeds the 30-foot height limit of the R-3 Zoning District. Two five-unit buildings are located along the southern portion of the site while two three-unit buildings are perpendicular to the northern portion of the site. An access driveway runs through the site and in between the two three-buildings. Proposed landscaped area is interspersed throughout the site including an area along the western frontage of the property and within the interior of the site (See Site Plan in Attachment #4 for more detail).

The following Guidelines were considered in analysis of the project site design.

| Design Policy or Guideline (Site Layout) | Comments |
|--|--|
| <i>Site Design B9. Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.</i> | The proposed project offers private open space to each unit with internal circulation through a private street. Landscaping located throughout the site provides for an attractive overall streetscape. As conditioned, additional walkways that connect the interior of the site to the public street provide for a more pedestrian friendly development. |

Floor Plan: Each of the seventeen units is approximately 1,620 square feet and contains two bedrooms. The bedrooms and two bathrooms are located on the top floor while a kitchen, living and dining room are located on the second floor. Each unit also maintains a one-car garage with additional storage on the first floor. (See Floor Plan on Page 2, in Attachment #4 for more details.)

Architecture: The townhouse units will include hipped roof elements within each of the four proposed buildings. Each upper story will overhang over the preceding floor. Planter boxes are positioned under the windows of front and rear elevations of alternating floors. Originally, the applicant had proposed beige and brown colors for each of the homes. Staff believes that the building facades can be enhanced with additional contrasting colors incorporated within the window trim and roof trim of the buildings. Condition of Approval #33, requires that the applicant submit a revised color elevation to staff that utilizes this recommendation prior to approval of building permits.

The following Guidelines were considered in the analysis of the project architecture.

| Design Policy or Guideline (Architecture) | Comments |
|--|---|
| <i>C9. Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.</i> | The proposed architecture includes various attractive elements including changes in wall plane and planter boxes underneath windows. Condition of Approval #33 requires that an alternative color be incorporated along window and door trim to enhance the visual appearance of the buildings. |

Landscaping: The proposed site plan indicates a 15ft wide landscaped frontage buffer. The site meets landscaping requirements with slightly over 1,000 square feet per unit. The site also meets the 15ft landscape frontage requirement. The preliminary landscape plan indicates that the parking lot will provide the minimum 20% landscaping and meets the 50% shading requirement of all paved surfaces. The site will provide 75 trees of varying species and size throughout the site. Staff has included Condition of Approval #34(i) that requires additional trees to be positioned over parking areas throughout the site.

The project will include features to mitigate noise impacts to the site. These mitigation measures include the construction of stucco walls around the perimeters of specific units of the development. Around Units 15, 16, and 17 (as noted in the Site Plan – Attachment #4), an eight foot stucco wall will be positioned along the western side of the lots. In an effort to soften the visual appearance of the wall, a wood trellis structure will be positioned in front. Additional vegetation will be planted to grow up and along the structure. A similar trellis structure is positioned along the street side of the building containing Units 1- 5. A seven foot wall is required on the outer perimeter of the building containing Units 12, 13 and 14. A six foot sound attenuating fence will be utilized for Units 1 – 11.

The site provides approximately 438 square feet per unit of useable open space. Each unit is provided a private patio area located in the rear yard. Three common patio areas are provided within the site. A pedestrian walkway will be added on the site to enable access to the public street from the interior of the site.

The following Guidelines were considered in analysis of the project landscaping.

| Design Policy or Guideline (Landscape) | Comments |
|--|--|
| <i>A4. Properly landscape all areas not covered by structures, driveways, and parking.</i> | The site meets the total landscaping requirement for each unit and will provide 75 additional trees throughout the site. |
| <i>B1. Provide a minimum of a 15 ft. wide landscape strip along the public street side of all developments, except for single family residences (Section 19.46.50c). Landscape strips of more than 15 ft. are strongly encouraged to enhance public streetscape.</i> | The project site meets this requirement and provides more than 15 ft at certain locations along the western portion of the site. |
| D1. Adequately landscape all parking areas to reduce the effects of heat and glare from paving, and for visual relief. | The project proposal will meet the shading requirement for paved surfaces with over 50% coverage. |

Parking/Circulation: Access to the site is located at the northwest corner. The proposed two way driveway aisle runs through the middle of the site and between the two three-unit buildings. The Traffic Division of the Department of Public Works had reviewed an earlier draft of the site plan that indicated access to the site from a location south of the current proposal. Staff recommended a location north of this area would be preferable for safety concerns, due to the proximity to the busy intersection at Fair Oaks Avenue and curvature of the street (East Ahwanee Avenue).

The parking requirement is based on the number and style of units. Each unit provides two bedrooms. The site proposes to meet the parking requirement by providing one-car garages for each townhouse unit and 24 additional unassigned spaces throughout the site. A total of 41 parking spaces are provided. The site will also provide the maximum number of compact spaces (8). Condition of Approval #32 states that one accessible space to be provided as required by Sunnyvale Municipal Code. The site has provided an area for 4 bicycle spaces.

The following Guidelines were considered in analysis of the project parking and circulation.

| Design Policy or Guideline (Parking/Circulation) | Comments |
|---|---|
| <i>A6. Avoid parking in required setback areas to maintain landscape strips along project boundaries.</i> | The site plan indicates internal parking for a majority of the development. |

Trash Enclosure: Sunnyvale Municipal Code Section 19.38.030 requires all multi-family uses with three or more units to provide a centralized trash and recycling enclosure. Currently, the site plan does not meet this requirement. The applicant proposes that each individual unit provide trash containers to meet the requirement. Staff believes that a centralized enclosure ensures a more efficient trash pick-up service for the site. Therefore, staff is including Condition of Approval #11, which states that the applicant shall meet this requirement prior to approval of building permits. A revised site plan, on Page 3 of Attachment 4, indicates how this requirement can be met.

Tentative Map

General: The tentative map proposes the subdivision of the two existing parcels into seventeen lots, plus one common lot. The proposed parcels do not meet the required minimum lot size (8,000 sq. ft.) or the established frontage requirement (120 ft.) for parcels in the R-3 Zoning District. However, the proposed parcel sizes and configuration may be permitted through the PD Zoning designation. The lot sizes and configuration are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern. Therefore, staff supports the requested deviations in minimum lot size and street frontage.

Access: The townhouse units are provided access through the use of a private street that runs through the middle of the site. An access drive is provided for entering and exiting of the site to East Ahwanee Avenue.

Staff recommends requiring the formation of a homeowner's association and CC&R's allowing the joint use of the private street, the guest parking spaces, common landscaping areas and common lot.

Park In-Lieu Fee: The developer will be required to pay Park In-lieu fees prior to approval of the Final Map by the Director of Public Works (See Tentative Map Planning Division Condition of Approval #6).

Transportation Impact Fee

This project is subject to the Transportation Impact Fee for the net increase of fifteen residential units. Condition of Approval #44 requires compliance with the traffic impact fee to be paid prior to approval of building permits.

Compliance with Development Standards

A study session with the Planning Commission was held on Monday, April 26 regarding this project. The primary concern was the lack of a centralized trash enclosure for the development. Staff has included this request in Condition of Approval #11. An additional issue related to the need for more pedestrian walkways to promote circulation and access within the site. The applicant has submitted a revised site plan on Page 3, of Attachment 4 which indicates pedestrian walkways from the interior of the site to the public sidewalk. Staff has included Condition of Approval #12 to address this concern. Further comments from the Commission related to the need for additional contrast of the proposed colors for the buildings. Staff has included Condition of Approval #33 to require additional detail.

The site is in compliance with all Zoning Standards with the exception of the following:

| Deviation Requested | Justification |
|---|--|
| <ul style="list-style-type: none">• Lot sizes of less than 8,000 sq. ft.• Lot widths of less than 76 ft.• Exceeds two-story maximum for R-3 Zoning District• Height limit of 30 feet exceeded (34'8")• Upper story setbacks for Units 1-11. A setback of twenty feet is required where 12 feet is proposed.• Lot frontage on a public street | <ul style="list-style-type: none">• Increased opportunity for home ownership.• Staff supports this deviation due to site constraints and need to meet density requirement• The project includes a variety of architectural features including changes in wall plane, trellises decorative roof forms, private patio areas, which provide visual interest and maintain residential character.• Buildings on adjacent lots are setback a considerable distance from the subject property. |

| Deviation Requested | Justification |
|--|--|
| <ul style="list-style-type: none">Centralized trash enclosure for multi-family residential uses. | <ul style="list-style-type: none">The applicant proposes individual facilities for each unit. Staff does not support this deviation and has required a reconfigured site plan to be submitted that incorporates a centralized enclosure. |

Expected Impact on the Surroundings

The proposed development will increase the residential capacity of the area by fifteen more units. The townhouse style of units is considered more compatible to the proposed zoning district and surrounding development than the current single family homes. The visual impact of the site will be considerably altered with new multi-family residences. A majority of the streetscape of the site will be dominated by the combination of trees, shrubs and a lawn area within the 15-foot buffer area. The increased height of the development will also provide a significant change in appearance of the site from neighboring properties. Additionally, the new development may buffer noise impacts from Highway 101 to the neighboring property to the south. With the modifications and conditions recommended by staff, the project will have a positive impact to the surrounding neighborhood.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

| Notice of Mitigated Negative Declaration and Public Hearing | Staff Report | Agenda |
|--|---|--|
| <ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to 35 property owners and tenants within 300 ft. of the project site | <ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial |

The applicant has sent letters and met with representatives of the adjacent properties. Staff has received a few inquiries by adjacent residents regarding the proposed development of the site. No letters or written comments have been received by staff.

Alternatives

1. Adopt the Mitigated Negative Declaration, approve the Resolution to amend the General Plan from Residential Low-Medium Density to Medium Density, introduce an Ordinance to Rezone 612 & 612 East Ahwanee Avenue from R-2/PD to R3/PD and approve the Special Development Permit and Tentative Map with attached conditions.
2. Adopt the Mitigated Negative Declaration, approve the Resolution to amend the General Plan from Residential Low-Medium Density to Medium Density, introduce an Ordinance to Rezone 612 & 612 East Ahwanee Avenue from R-2/PD to R3/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Mitigated Negative Declaration and do not approve the Resolution to amend the General Plan from Residential Low-Medium Density to Medium Density, introduce an Ordinance to Rezone 612 & 612 East Ahwanee Avenue from R-2/PD to R3/PD and approve the Special Development Permit and Tentative Map
4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1.

Prepared by:

Ryan Kuchenig
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Approved by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Mitigated Negative Declaration and Initial Study
4. Site and Architectural Plans
5. Draft General Plan Resolution
6. Draft Rezoning Ordinance

General Plan Goals and Policies

Housing and Community Revitalization Sub-element

Policy A.2 *All new residential developments should build at least 75 percent of the permitted density.*

The proposal meets this goal with seventeen new units.

Policy C.1 *Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.*

The project provides needed housing opportunities within a neighborhood where redevelopment is strongly encouraged. The multi-family style of housing is compatible to adjacent uses and the architectural design of the development will enhance the visual impact of the area.

Goal D *Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.*

The project provides an additional ownership opportunity within a multi-family style of residential development.

Goal E *Maintain and increase housing units affordable to households of all income levels and ages.*

The site provides two Below Market Rate (B.M.R) units.

Land Use and Transportation Element

Policy N1.2: *Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.*

The development provides an additional seventeen housing units where two single-family homes currently exist. The project site is situated between existing multi-family uses and within close proximity to major transit corridors. (Fair Oaks Avenue & Highway 101)

Action 1.4.2 Site higher density residential development in area to provide transitions between dissimilar neighborhoods and where impacts on adjacent land uses and the transportation system are minimal

The site provides as a transition from lower density residential uses to the north and higher density to the south.

Community Design Sub-Element

Policy C.4: Encourage quality architectural design which improves the City's identity, inspires creativity and heightens individual as well as cultural identity.

The proposed architecture incorporates high quality design with and significant improves the visual appearance of the site.

Recommended Findings - General Plan Amendment

In order to make the findings for a General Plan Amendment, consistency with the General Plan must be established. As shown in the above General Plan goals and policies, there are policies that support a medium-density residential project. This land use is compatible with the surrounding General Plan designations and land uses and the location is appropriate for medium density.

Recommended Findings - Rezone

If a General Plan Designation of Medium Density Residential is adopted, the R-3 Zoning District is the only district compatible with that designation. The Planned Development Combining District is appropriate according to the guidelines adopted by City Council as the Combining District:

- Facilitates development or redevelopment of a site to improve the surrounding neighborhood.
- Allows for a proposed use that is compatible with the neighborhood but requires deviations from the development standards for a successful project.

Staff recommends the Rezoning of the site from R-2/PD to R-3/PD.

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The proposed project will create 17 additional townhouse style ownership units. The project meets the Housing and Community Revitalization Sub-Element Goal of providing at least 75% of the permitted number of residential units. The neighborhood is predominately multi-family townhouse style housing. The building design and architecture will enhance the neighborhood.
2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the multi-family residential style of units will be a more compatible use to the area. Proposed architectural and landscaping modifications will greatly enhance the appearance of the site.

Recommended Findings - Tentative Map

Staff **is able to make the findings** that the Tentative Map, with the conditions of approval, is in conformance with the Sunnyvale Municipal Code and recommends approval of the map as attached.

However, the approving authority shall deny the Tentative Map if it makes any of the following findings:

1. The subdivision is not consistent with the General Plan.
2. The design or improvement of the proposed subdivision is not consistent with the General Plan.
3. The site is not physically suitable for the proposed type of development.
4. The site is not physically suitable for the proposed density of development.
5. The design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or type of improvements is likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

8. The map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of any building permits.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development.
6. Specific Deviations allowed with this Special Development Permit are as follows:
 - a. Rear yard setbacks for upper stories less than 20 feet for units 1-11 as noted on site plans.
 - b. Individual lot sizes.
 - c. Individual lot widths.
 - d. 34'8" total height (exceeds 30' maximum height).
 - e. 2 ½ story buildings where 2 stories are permitted.
 - f. Lot frontage on a public street.

7. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
8. The development of the site is subject to Stormwater Pollution Prevention's Best Management Practices (BMPs) and shall be incorporated into its design to the extent feasible.
9. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
10. Construction activity is permitted between the hours of 7am to 6pm. Weekdays, 8am to 5pm on Saturdays. There shall be no construction on Sundays or National holidays.
11. Prior to issuance of building permits, a revised site plan submitted to staff shall indicate a centralized location for a trash and recycling enclosure.
12. Prior to issuance of building permits, a revised site plan submitted to staff shall indicate additional pedestrian walkways from the interior of the site to East Ahwanee Avenue.

Mitigation Measures

13. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts. All mitigations are to be completed by the developer prior to occupancy.
 - a. Maintain at all times all windows of living spaces. At ground floor spaces with a west, north or east orientation and at first and second floor spaces with a south orientation, install windows rated minimum Sound Transmission Class (STC) 28. Ground floor windows with a south orientation may have any type of glass.
 - b. At first and second floor spaces with a west, north, or east orientation, install windows rated minimum STC 32. Provide some type of mechanical ventilation. The windows specified to be maintained closed are to be operable. All other windows and all bathroom windows may have any type of glazing.
 - c. Sliding window panels must form an air-tight seal when in closed position and the window frames must be caulked to the wall opening around their entire perimeter with a non-hardening caulking

- compound to prevent sound infiltration. Exterior doors must seal air-tight around the full perimeter when in closed position.
- d. Construct an 8 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 15, 16, and 17. The patio fence height is in reference to the nearest patio pad elevation.
 - e. Construct a 7 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 12, 13, and 14. The patio fence height is in reference to the nearest patio pad elevation.
 - f. Construct a 6 ft. high acoustically effective patio fences at the perimeter fences at the perimeter patios at Units 1-5 and at Units 6-11. The patio fence height is in reference to the nearest patio pad elevation.
 - g. The patio fences shall be made air-tight in order to be acoustically-effective. The fence shall have a minimum surface weight of 2.5 lbs per sq. ft. Noise control barriers must be constructed so that all joints, including connections with posts, pilasters or the building shell are sealed air-tight and no openings are permitted between the upper barrier components and the patio pad.

Below Market Rate Units

- 14. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- 15. The project will provide two Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- 16. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- 17. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The rental/sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- 18. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall

- not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
19. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
 20. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
 21. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
 22. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
 23. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)
 24. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
 25. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
 26. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefore shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)
 27. Pay an in-lieu BMR fee of an amount determined by SMC 19.66.090 (developments consisting of 9-19 units only).

Utilities

28. Any transformers placed between the face of the building and the street shall be placed in an underground vault. At any other location, the

transformer shall be screened as approved by the Director of Community Development.

29. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.

Homeowners Association

30. A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:
 - a. The Conditions of Approval of this Special Development Permit.
 - b. Provisions for short and long term maintenance of all three common lots, landscaping areas, recreational areas, parking, driveways, and utility connections.
 - c. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
 - d. Provisions for a homeowners association.
30. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common faculties and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.

Building Design

31. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.
32. Roofing materials and colors shall be approved by the Director of Community Development prior to issuance of the Building Permit.
33. An additional contrasting color shall be incorporated in the window and door trim of each of the proposed buildings. Revised color elevations are subject to review and approval of staff prior to issuance of a building permit.

Landscaping and Site Plans

34. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
- a. A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
 - b. Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
 - c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - d. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - e. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.
 - f. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - g. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - h. All areas not required for parking, driveways or structures shall be landscaped.
 - i. Additional trees shall be planted near guest parking areas throughout the site to provide additional canopy coverage.
35. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.

36. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
 - a. Sodium vapor (of illumination with an equivalent energy savings).
 - b. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - c. Provide photocells for on/off control of all security and area lights.
 - d. Lights shall have shields to prevent glare onto adjacent residential properties.
37. Submit a decorative paving plan for the driveways and the interior street, indicating details of materials, patterns, and colors for review and approval by the Director of Community Development

Parking/Access

38. An easement for emergency access shall be granted to the city over the entire area of the interior street.
39. Garages shall be maintained at all times to allow for the parking of one automobile.
40. Property owners shall maintain the garage spaces for the parking of vehicles and recreational vehicles over 18 feet in length are prohibited from being stored on site.
41. All curbs along the private street and driveway be designated as "no parking" and marked as a red curb.
42. The project shall provide one accessible parking space for the site.
43. All recycling and solid waste shall be confined to approved receptacles and enclosures. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval.
44. The traffic impact fee as determined shall be paid prior to approval of building permits in accordance with Sunnyvale Municipal Code Section 3.50.050
45. Install stop sign at driveway exit.

Conditions of Approval - Tentative Map

A. Planning Division

1. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
2. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
3. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
4. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
5. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
6. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$4,851.50 per unit shall be paid in accordance with MCS 18.10.

B. Building Safety Division

1. Obtain Grading Permits as required (MCS 16.12.010).
2. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
3. Seal and cap all septic tanks and irrigation systems in accordance with Building Safety regulations.

C. Public Works

1. This project is subject to, and contingent upon, the recordation of a Tract Map. Said Tract Map shall have adequate reservations of public and/or private utility, ingress/egress easements and/or abandonment of existing easements to the satisfaction of the Public Works Director. Tract Map shall be recorded prior to any permit issuance.
2. The developer shall pay all Public Works development fees associated with the project, including but not limited to; utility frontage and/or

connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.

3. The interior private access road and the parking area shall be designated as a letter lot on the Tract Map.
4. This project requires dedication of private access road as emergency vehicle ingress-egress easement.
5. No permanent structures are allowed within any of the public/private easement limits.
6. Sanitary sewer lines on private access road serving two lots or more shall be designated as public sewer system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map.
7. Water lines on private access road shall be designated as public water system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map. A separate water meter shall be provided for each lot.
8. The on-site drainage shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter.
9. Connect to all City utilities or private utilities operating under a City franchise, which provides adequate levels of service.
10. Obtain Public Works approval of plans for utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.
11. All public improvements (Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers etc.) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by the Department of Public Works.
12. Construct all public improvements prior to occupancy.
13. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site caused by the development.
14. Existing and proposed on-site and street frontage electrical, telephone and cable TV services shall be placed underground or removed prior to occupancy (MC 19.46.060).

15. All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services to each lot.
16. Any existing deficient public improvements shall be upgraded to the satisfaction of the Director of Public Works.
17. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
18. Any landscaping proposed within a public utility easement is subject to approval by the Director of Public Works and Director of Community Development.
19. All landscape and irrigation systems, located in the park strip areas shall be connected to the water system metered to the property owner.
20. An "Occupancy Permit" shall be required for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way, to the satisfaction of the Director of Public Works and the Director of Community Development.
21. The developer shall execute a Subdivision Agreement and post surety bond(s) in a form acceptable to the City and/or cash deposit(s), guaranteeing completion for all proposed public improvements, prior to Map recordation.
22. A hydrology/hydraulics analysis is required during the plan check process and the stormwater discharged into the City system shall be to the satisfaction to the Director of Public Works prior to issuance of any permits.
23. The site shall drain to the to the east through Tract No. 6556 as conditioned by the Parcel Map (book 34, pages 54-55) recorded on 2/5/79.
24. Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted prior to occupancy release.

D. Fire Prevention

1. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec. 1.12(l); UFC 1982 Edition).

2. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).

E. Other Public Agencies

1. Pay School Tax fees prior to issuance of a Building Permit.